

**PLACER COUNTY SUPERIOR COURT**  
**THURSDAY, CIVIL LAW AND MOTION**  
**DEPARTMENT 3**  
**PRO TEM JUDGE CHRISTINE S. DEHR**  
**TENTATIVE RULINGS FOR JANUARY 12, 2023 AT 8:30 A.M.**

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These are the tentative rulings for the **THURSDAY, JANUARY 12, 2023 at 8:30 A.M.**, civil law and motion calendar. The tentative ruling will be the court's final ruling unless notice of appearance and request for oral argument are given to all parties and the court by **4:00 p.m., WEDNESDAY, JANUARY 11, 2023**. Notice of request for argument to the court must be made by calling (916) 408-6481. Requests for oral argument made by any other method will not be accepted. Prevailing parties are required to submit orders after hearing to the court within 10 court days of the scheduled hearing date and approval as to form by opposing counsel. Court reporters are not provided by the court. Parties may provide a court reporter at their own expense.

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**NOTE: REMOTE APPEARANCES ARE STRONGLY ENCOURAGED FOR CIVIL LAW AND MOTION MATTERS.** (PLACER COURT LOCAL RULE 10.24.) More information is available at the court's website: [www.placer.courts.ca.gov](http://www.placer.courts.ca.gov).

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Except as otherwise noted, these tentative rulings are issued by **PRO TEM JUDGE CHRISTINE S. DEHR**. If oral argument is requested, it shall be heard at **8:30 a.m.** in **DEPARTMENT 3** located at the Historic Auburn Courthouse, 101 Maple Street, Auburn, California.

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**1. M-CV-0082786 RADEBOLD, JOHN v. PACHMAN, CYNTHIA**

Defendant's Demurer to the Unlawful Detainer Complaint

The demurrer is sustained without leave to amend. The allegations within the complaint, when read in conjunction with the attachments to the complaint, are insufficient to state a cause of action for unlawful detainer against defendant.

Specifically, the 3-day notice to quit is defective. Plaintiff served defendant with a notice that failed to comply with Code of Civil Procedure section 1162(a). The 3-day notice does not include the name, telephone number and address of the person to whom the rent payment is to be made. This is a defect cannot be remedied with any amendment. For these reasons, the demurrer is sustained without leave to amend.

The complaint is dismissed without prejudice. (Code of Civil Procedure section 581(f)(1).)

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**2. S-CV-0039938 STOREMSKI, JENNIFER v. KD HOMEBUYERS**

The motion to amend the complaint is dropped from the calendar as no moving papers were filed with the court.

**3. S-CV-0043607 CALLOW, ALZAIA v. ADVENTIST HEALTH SYSTEM/WEST**

OSC re Joint Case Status Update

The court has carefully read and considered the joint status report/OSC statement filed on December 28, 2022.

The OSC re Joint Case Status Update is continued to **Tuesday**, February 21, 2023 to be heard in conjunction with the scheduled motion for preliminary approval of class action settlement.

**4. S-CV-0044762 NAIDENKO, ALLA v. SUTTER ROSEVILLE MED CTR**

Plaintiff's Motion for Leave to File Second Amended Complaint

The unopposed motion is granted.

The second amended complaint shall be filed and served by January 20, 2023.

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**5. S-CV-0045474 PLANT, DEBORAH v. PLANT, ELEANOR**

Defendant Deborah Plant's Demurrer to the Second Amended Complaint (SAC)

Ruling on Request for Judicial Notice

Plaintiff's request for judicial notice is denied.

Ruling on Demurrer

The demurrer to the eighth cause of action for promissory estoppel is sustained. The allegations within the SAC are contradictory regarding when plaintiff learned defendant and decedent failed to contribute \$250,000 each to the purchase of the Oakbridge property. Plaintiff initially alleges she learned shortly after the 2005 purchase of the Oakbridge property that defendant and decedent obtained a loan to cover a portion of their \$500,000 deposit. (SAC ¶¶16-18, 20, 21, 26, 27.) However, plaintiff goes on to allege she did not learn of their failure to deposit the \$500,000 into the escrow account until the filing of the original complaint in 2020. (SAC ¶40.) These conflicting allegations are insufficient to allege the promissory estoppel claim is brought within the applicable statute of limitations. For these reasons, the demurrer is sustained.

This leaves the matter of whether plaintiff should be afforded leave to once again amend the complaint. This is the third iteration of plaintiff's operative pleading. The SAC does not lend itself to an amendment that would remedy the defect created by the conflicting allegations. Plaintiff has also not sufficiently demonstrated the defect may be cured by an amendment. In light of this, the demurrer is sustained without leave to amend.

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**6. S-CV-0046858 MEDICAL LEGAL EXPERTS v. TICHIO, JOSEPH**

Defendants' Motion to Compel Discovery Responses and Sanctions

The motion is granted in part.

Plaintiff shall provide responses, without objections, to defendants' special interrogatories, set one, within 10 days of service of the signed order after hearing.

Plaintiff shall provide responses and responsive documents, without objections, to defendants' requests for production of documents, set one, within 10 days of service of the signed order after hearing.

Plaintiff shall provide further responses, without further objections, to form interrogatories, set one, nos. 8.4; 8.7; 8.8; 12.1; 17.1 at to RFAs nos. 10, 15, and 19; 50.1; 50.2; 50.3; 50.4; and 50.5 within 10 days of service of the signed order after hearing.

Defendants' motion is denied as to the request for admissions.

Defendants' request for sanctions is denied at this time.

Defendants' Motion for Leave to File Cross-Complaint

Ruling on Request for Judicial Notice

Defendants' request for judicial notice is granted.

Ruling on Motion

The unopposed motion is granted.

Defendants shall file and serve their cross-complaint by January 20, 2023.

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**7. S-CV-0047042 WATSON, JAMIN v. GMRI**

Plaintiff's motion to approve PAGA settlement is continued to Thursday, February 2, 2023 at 8:30 a.m. in Department 3.

The court entered the parties' stipulation and order allowing plaintiff to file a second amended complaint on December 6, 2022. Plaintiff was instructed to file the second amended complaint within 6 days of entry of the order. The amended pleading, however, has yet to be filed. The court prefers the second amended complaint be filed prior to considering the substance of this motion.

The second amended complaint shall be filed by 12:00 p.m. on January 20, 2023.

The OSC re settlement is also continued to Thursday, February 2, 2023 at 8:30 a.m. in Department 3.

**8. S-CV-0048136 SANTSCHE, SUSAN v. PORSCHE CARS N.A.**

The motion for summary judgment is dropped from the calendar as no moving papers were filed with the court.

It is also noted a full dismissal with prejudice was entered on November 30, 2022.

**9. S-CV-0048360 MOINVASIRI, DAVID v. ZHANG, JUDY**

The motion for summary judgment is dropped from the calendar as no moving papers were filed with the court.

It is also noted a full dismissal without prejudice was entered on November 14, 2022.

**10. S-CV-0048888 WOODLAND, LOGAN v. VOLKSWAGEN GRP OF AMERICA**

The motion to quash service of summons is dropped from the calendar at the request of the moving party.

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**11. S-CV-0049284 ALLIANT CREDIT UNION v. TULLY, HEATHER**

Plaintiff's Application for Writ of Possession

The application is continued to Thursday, February 23, 2023 at 8:30 a.m. in Department 3.

The court file reflects defendant Heather Tully has been served in this case. However, there is no proof of service in the file demonstrating service as to defendant Christopher Tully. The matter is continued to afford plaintiff time to serve defendant Christopher Tully.

Plaintiff shall provide notice to the defendants as to the continued hearing date.

**12. S-CV-0049304 PAPE MATERIAL HANDLING v. LEATHERNECK CONST**

Plaintiffs' Application for Right to Attach Order and Writ of Attachment

The application is granted as prayed.

A writ of attachment and right to attach order is issued against defendants Leatherneck Construction, Inc. and Benjamin Michael Vasquez in the amount of \$225,330.07.